

JUN 18 1993

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June 18, 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Comments on Notice of Proposed Rule  
Making in MM Docket No. 93-114, RM-7772

Dear Ms. Searcy:

Enclosed herewith are 10 copies (original and 9) of the Comments concerning the review of the Commission's Rules Governing the Low Power Television Service regarding MM Docket No. 93-114 by Cohen, Dippell and Everist, P.C.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

**RECEIVED**

**JUN 18 1993**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**COHEN, DIPPELL AND EVERIST, P.C.  
COMMENTS ON NOTICE OF PROPOSED RULEMAKING  
CONCERNING LOW POWER TELEVISION SERVICE  
MM DOCKET NO. 93-114, RM-7772**

**JUNE 1993**

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CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.**

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COHEN, DIPPELL AND EVERIST, P. C.

JUN 18 1993

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*In the matter of*

Review of the Commission's )  
Rules Governing the Low Power )  
Television Service )

MM Docket 93-114  
RM-7772

**COMMENTS BY  
COHEN, DIPPELL AND EVERIST, P.C.  
ON NOTICE OF PROPOSED RULE MAKING**

**Introduction**

These comments are submitted by Cohen, Dippell and Everist, P.C., consulting Engineers (CDE) in response to the above captioned proceeding (NPRM). CDE and its predecessors have practiced and have represented the broadcast industry before the Federal Communications Commission (Commission) for more than fifty (50) years.

CDE supports the Commission's goal of amending the low power television service (LPTV) rules and policies to facilitate the construction and operation of these stations. Specifically, CDE believes a change in the Commission's processing rules is desirable so that LPTV stations can amend their authorized facilities without waiting for the opening of a filing "window" which may delay up to

**Application Acceptance Standard**

CDE agrees with the Commission that less strict standards are required for the acceptance of LPTV applications than the current "letter perfect" criteria. However, it disagrees with the Commission's first suggestion which would make the acceptance criteria very lenient. CDE favors the Commission's second approach, a mid-level acceptance standard, which would result in the return of an application for certain specified defects without an opportunity of a corrective amendment. CDE shares the Commission's view that correction of certain technical data could result in repeated processing of applications by the Commission's staff. Therefore, CDE believes that applicants should be required to comply with the Commission's interference rules to full-service TV stations when seeking new or amended facilities. Failure to do so should result in the applications dismissal without an opportunity for corrective amendments. However, the Commission should permit corrective amendments if the interference is predicted to be caused to other LPTV stations.

CDE believes such a policy would force the applicants to pay special attention to the technical parameters of their LPTV operations and help in the preparation of quality applications which in turn would save the Commission's staff from repeated processing. Therefore, CDE suggests that the Commission should adopt more lenient application acceptance standard than the current

one as long as the new or amended LPTV facilities meet the interference rules for providing protection to the full-service TV stations.

With regard to waiver requests based on terrain shielding, CDE agrees with the Commission's suggestion of no longer limiting this procedure to non-mutually exclusive applications. CDE also supports a change in the terrain shielding waiver policy which would enable the applicants to resolve mutually exclusive situations. CDE also welcomes the Commission's suggestion which would permit the use of terrain shielding for the first time in response to deficiency letters.

However, CDE suggest a slight modification in the Commission's current terrain shielding policy. CDE believes the Commission should require a detailed terrain analysis with regard to interference situation concerning full-service TV stations rather than the current policy of limited terrain shielding study and a consent letter. This would avoid any potential conflict in the future due to a change in the full-service TV station's ownership.

#### **Modification of Facilities**

CDE shares the Commission's view that the current rule which governs major changes in LPTV facilities is too narrow. Under its current definition, many "minor" changes to the proposed or authorized LPTV facilities are regarded as major. This causes the

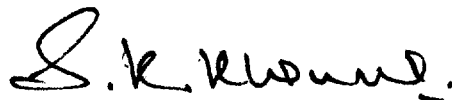
applicants to wait up to a year<sup>1</sup> to file for certain modification in their LPTV facilities. Therefore, CDE believes the current policy dealing with major and minor changes should be modified to allow more flexibility to LPTV operators to effect changes in their facilities without waiting for the filing window.

CDE supports the Commission's proposed definition of a major change. Under the proposed rule any change(s) in the LPTV facilities other than a change in the output channel would be considered minor as long as the new facilities comply with the Commission's interference protection standards and the minor change application is not mutually exclusive with any pending application. In addition, the LPTV station's protected contour will be limited

In paragraph 17 of the NPRM, the Commission has proposed the minor change application to be cut-off on the date they are filed. CDE disagrees with this approach. As the Commission has acknowledged later in the paragraph, this policy could result in unnecessary wastage of time and resources by applicants who may not be aware of minor amendment(s) which have been protected due to cut-off procedure. Therefore, CDE suggests minor change applications should be cut-off at least 30 days later to give other applicants ample time in designing their modified facilities to avoid a mutual exclusive situation. Such a policy would also save the Commission's staff from processing unnecessary additional amendments.

Respectfully submitted,

COHEN, DIPPELL AND EVERIST, P.C.



Date June 18, 1993

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